

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROCKET MORTGAGE, LLC,

Plaintiff,

v.

EVEREST LENDING GROUP, LLC,
ARPITKUMAR PATEL, and
KAMAL DHAKAL,

Defendants.

Case No. 23-10575

Honorable Laurie J. Michelson

**ORDER DIRECTING CLERK'S OFFICE
TO ENTER DEFAULT AGAINST DEFENDANTS
ARPITKUMAR PATEL AND KAMAL DHAKAL**

On July 1, 2024, the Court issued an order directing Plaintiff Rocket Mortgage, LLC, and individual defendants Arpitkumar Patel and Kamal Dhakal¹ to appear for a Status Conference on July 12, 2024, at 1:00 p.m. (ECF No. 35.) Plaintiff's counsel dialed into the conference and was prepared to participate, but no one appeared on behalf of Defendants Patel or Dhakal.² So the Court issued an order instructing Patel and Dhakal to explain why they failed to appear and why the Court should not take

¹ This case has been automatically stayed as to Defendant Everest Lending Group, LLC, following its petition for relief under Chapter 11 of the Bankruptcy Code. (ECF No. 36 (citing 11 U.S.C. § 362).)

² The Court granted defense counsel's motion to withdraw in April 2024. (ECF No. 32.) To date, individual defendants Patel and Dhakal have not notified the Court that they either intend to represent themselves or have retained new counsel. (*See id.* at PageID.186 (instructing Patel and Dhakal "to either (a) notify the Court that they intend to represent themselves and proceed in pro per or (b) have their new counsel file a notice of appearance" by June 18, 2024); ECF No. 34, PageID.189 n.1.)

further action for that failure. (ECF No. 37.) The Court warned, “A failure to file a show-cause response by July 22, which would be another failure to abide by a court order, or an inadequate show-cause response, will result in sanctions, including the possible entry of default as to Patel and Dhakal.” (*Id.* at PageID.195.) That deadline has passed, and the Court has yet to receive a response from Patel or Dhakal.

Accordingly, the Court ORDERS the Clerk’s Office to enter a default (though not yet a default judgment) against Patel and Dhakal pursuant to Federal Rule of Civil Procedure 55(a). *See* Fed. R. Civ. P. 55(a) (“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, . . . the clerk must enter the party’s default.”). Upon entry of the default, Plaintiffs’ counsel shall serve a copy on Defendants Patel and Dhakal and docket proof of same.

SO ORDERED.

Dated: August 8, 2024

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE